

MINUTES

RANDOLPH COUNTY ZONING BOARD OF ADJUSTMENT

December 4, 2001

There was a meeting held at 6:30 p.m. on Tuesday, December 4, 2001, of the Randolph County Zoning Board of Adjustment in the Commissioner's Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Maxton McDowell** called to Order the Randolph County Zoning Board of Adjustment meeting.
2. **Hal Johnson**, Planning Director, called roll of the Members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Al Morton, present; Phil Ridge, present; Larry Brown, present; Chris McLeod, present; and Mark Brower, Alternate, present.

3. **Swearing in of the Witnesses:**

"Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

5 people took this Oath.

4. **REQUESTS FOR A VARIANCE:**

- A. **JERRY & LINDA NEAL**, Trinity, North Carolina, is requesting a variance in the height of a residential structure being approximately 75' in lieu of the required maximum height of 35'. Location: 5493 Snyder Country Road, 158.84 acres, Tabernacle Township, Lake Reese Watershed. Parcel ID # 7704838557. Zoning District RA.

**** Arguments for Granting this Request**

Raleigh Overman, with Kirkland (builder), 3801 Rolling Road, High Point, presented house plans for the Neals. Overman said that this would be a 3 story home with a full basement. Johnson explained that this height restriction was placed in our Ordinance in 1987 and explained that this restriction was probably set to prevent a home within a subdivision (on small lots) to be built that would be out of character with the other homes. **Johnson** said that in this case, the home would be set on a large tract of land (158+ acres) and would not be out of character for this tract. Overman said that he said that this home was designed to be one similar to those built in the 1800's. Overman explained that there would be 6000+ sq. ft. in the first floor and would exceed 30,000 sq. ft. total.

**** Arguments Against Granting this Request**

There was no one present in opposition to this request.

**** Order of the Board of Adjustment**

Brown made the motion, seconded by Morton, to **approve** this request. The motion passed unanimously.

- B. **MARIA MANESS**, Asheboro, North Carolina, is requesting a variance to allow a 2nd residence (for family member) on 5.00 acres in lieu of the requirement of 5 acres per residence for property without state road frontage. Location: 5497 Millie Lane, Rodney Welch Subdivision, Lot #5. Union Township. Parcel ID # 7645517700. Zoning District RA.

**** Arguments for Granting this Request**

Maness told the Board that she was one of the first lot owners here in 1991. Maness said that when she purchased the land she did so with the agreement that she could put a second residence on her property for her mentally handicapped child. Maness said that her daughter is now married and she pays all their bills (they are both mentally handicapped) and do all their shopping. Maness said that she herself is now having health problems and her daughter could help take care of herself. Rodney Welch (the developer) told her at that time that she would be able to have a 2nd residence on her property for her mentally handicapped daughter. Maness said that Welch signed a form that would let her apply for this variance.

Brown asked about private deed restrictions. **Maness** said there are restrictions but the developer has signed a form to allow her, if approved by the County, to put this 2nd residence here. Maness said that she would not subdivide the property. **Johnson** explained to Maness that if this variance was approve, the property could not be rented and if sold only one residence would be allowed to remain. **Morton** asked if the property has been perked and Maness answered that she was waiting to see if she could get the variance.

Rodney Welch, developer, said that he didn't have a problem with a family trying to help family.

Ken Maness said that he was starting to get down in his back and this would help him to allow them to work on his car and his garden. Maness said that he does participate in the maintenance of the road and he use to drag the road years ago but now someone else has been maintaining it.

**** Arguments Against Granting this Request**

Charlotte Brooks, Ethan Springs Road, said that when they purchased their land they were told that the land was not to be subdivided and only one residence per tract. Brooks said that this was the reason why they purchased the property. Brooks said this would devalue the existing properties here. Brooks said that they said if the property was sold it would invite lower income people into their neighborhood. Brooks also said that the road is in poor condition and could not handle any additional traffic. Brooks said that they have been unsuccessful in getting their neighbors together to do the needed maintenance. Brooks presented a petition of those within their community opposed to this variance (there were 38 signatures).

Rodney Welch, developer, said that he would be opposed to the tract being divided. Welch said that there is a signed road maintenance agreement but he hasn't seen any receipts of anyone keeping the road up. Brown asked Welch if he had told the other land purchasers that he could put 2 homes on the 5 acres and Welch said he has never specifically told her she could put 2 homes on 5 acres of land.

There were 8 people present in opposition to this request.

**** Board Discussion: Conclusions Based on Findings of Fact**

Dorsett said that the hardship has to go with the property and not the people and in this case he felt it would be unfair to the other land owners because their lots were purchased with the intent that there would be only 1 residence per tract. **Brown** agreed and said that the Board shouldn't change this restriction.

**** Order of the Board of Adjustment**

Brown made the motion, seconded by **Dorsett**, to **deny** this request. The motion passed unanimously.

5. The meeting adjourned at 7:10 p.m.

**NORTH CAROLINA
RANDOLPH COUNTY**

Planning Director

Date

Clerk/Secretary